# 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

9 April 2010

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## Note verbale dated 8 April 2010 from the Permanent Missions of Australia and Japan to the United Nations addressed to the President of the Conference

The Permanent Missions of Australia and Japan to the United Nations present their compliments to the President of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and have the honour to transmit herewith the synopsis of the report of the International Commission on Nuclear Non-proliferation and Disarmament, co-chaired by the former Australian Minister for Foreign Affairs, Gareth Evans, and the former Japanese Minister for Foreign Affairs, Yoriko Kawaguchi (see annex).

The Permanent Missions of Australia and Japan to the United Nations have the further honour to advise that the Commission was launched as a joint initiative of the Governments of Australian and Japan in September 2008. The Commission is an independent enterprise, composed of 15 Commissioners worldwide, including the Co-Chairs, Mr. Evans and Ms. Kawaguchi. On 15 December 2009, the Co-Chairs presented the report to Prime Ministers Kevin Rudd and Yukio Hatoyama in Tokyo as the consensus outcome of the activities of the Commission.

The Permanent Missions of Australia and Japan to the United Nations request that the present note and its annex be circulated as a working paper of the 2010 Review Conference.

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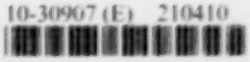

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## Annex

[Original: Arabic, English, French, Russian and Spanish]

### Eliminating nuclear threats

### A Practical Agenda for Global Policymakers

#### Synopsis: a comprehensive action agenda

This Synopsis is a highly abbreviated and selective distillation of the very much more detailed analysis and argument in the Commission's report. The references given are to sections and paragraphs in that full report, which is available online at www.icnnd.org.

## A. WHY THIS REPORT, AND WHY NOW

- Nuclear weapons are the most inhumane weapons ever conceived, inherently indiscriminate in those they kill and maim, and with an impact deadly for decades. They are the only weapons ever invented that have the capacity to wholly destroy life on this planet, and the arsenals we now possess are able to do so many times over. The problem of nuclear weapons is at least equal to that of climate change in terms of gravity – and much more immediate in its potential impact.

- So long as any state has nuclear weapons, others will want them. So long as any such weapons remain, it defies credibility that they will not one day be used, by accident, miscalculation or design. And any such use would be catastrophic. It is sheer luck that the world has escaped such catastrophe until now.

- Maintaining the status quo is not an option. The threats and risks associated with the failure to persuade existing nuclear-armed states to disarm, to prevent new states acquiring nuclear weapons, to stop any terrorist actor gaining access to such weapons, and to properly manage a rapid expansion in civil nuclear energy, defy complacency. They must be tackled with much more conviction and effectiveness than the world has managed so far.

- There have been many major international commission, panel, research institute and think tank reports addressing these issues. What makes this report distinctive is, hopefully, its timeliness; comprehensiveness; global consultative reach; attention to pragmatic realities as well as ambitious ideals; intended accessibility to non-specialist policymakers; and strong action orientation, reflected in the short, medium and longer term action agendas that bind together its specific policy proposals.

- With new U.S. and Russian leadership seriously committed to disarmament action, there is a new opportunity – the first since the immediate post-World War II and post-Cold War years – to halt, and reverse, the nuclear weapons tide once and for all. This report describes, not just rhetorically but in the detail that global policymakers need, how that opportunity can and should be seized. *[Section 1]*

## B. NUCLEAR THREATS AND RISKS

- ***Existing Nuclear-Armed States.*** Twenty years after the end of the Cold War there are at least 23,000 nuclear warheads still in existence, with a combined blast capacity equivalent to 150,000 Hiroshima bombs. The U.S. and Russia together have over 22,000, and France, the UK, China, India, Pakistan and Israel around 1,000 between them. Nearly half of all warheads are still operationally deployed, and the U.S. and Russia each have over 2,000 weapons on dangerously high alert, ready to be launched immediately – within a decision window of just 4-8 minutes for each president – in the event of perceived attack. The command and control systems of the Cold War years were repeatedly strained by mistakes and false alarms. With more nuclear-armed states now, and more system vulnerabilities, the near miracle of no nuclear exchange cannot continue in perpetuity. *[Section 2]*

- ***New Nuclear-Armed States.*** The Nuclear Non-Proliferation Treaty (NPT) system has been under severe strain in recent years, with the International Atomic Energy Agency (IAEA) struggling with verification, compliance and enforcement failures, and backward steps occurring in the world's most volatile regions. India and Pakistan joined the undeclared Israel as fully-fledged nuclear-armed states in 1998; North Korea is now likely to have some half-dozen nuclear explosive devices; and Iran probably now has weapon-making capability, with real potential for generating a regional proliferation surge should it choose to cross the weaponization red-line. *[Section 3]*

- ***Nuclear Terrorism.*** Terrorist groups exist with the intent, and capacity, to create massive nuclear destruction. With manageable technology long in the public domain, and black market sourcing, a Hiroshima-sized nuclear device could possibly be detonated from a truck or small boat inside any major city. A "dirty bomb", combining conventional explosives with radioactive materials like medical isotopes, would be a much easier option: while not generating anything like the casualties of a fission or fusion bomb, it would have a psychological impact at least equal to 9/11. *[Section 4]*

- ***Peaceful Uses of Nuclear Energy.*** The likely rapid expansion of civil nuclear energy in the decades ahead, not least in response to climate-change concerns, will present some additional proliferation and security risks. Particularly if accompanied by the construction of new national facilities for enrichment at the front end of the fuel cycle and reprocessing at the back end, it could mean a great deal more fissile material becoming potentially available for destructive purposes. *[Section 5]*

## C. MEETING THE CHALLENGE OF NUCLEAR DISARMAMENT

### BASIC THEMES

- **Delegitimizing nuclear weapons.** The critical need is to finally transform perceptions of the role and utility of nuclear weapons, from occupying a central place in strategic thinking to being seen as quite marginal, and ultimately wholly unnecessary. There are good answers to all the familiar deterrence and other justifications for retaining nuclear weapons.

- It is neither defensible nor sustainable for some states to argue that nuclear weapons are an indispensable, legitimate and open-ended guarantor of their own and allies' security, but that others have no right to acquire them to protect their own perceived security needs.

- "Extended deterrence" does not have to mean extended *nuclear* deterrence. *[Section 6]*

- ***A phased approach.*** Achieving a nuclear weapon free world will be a long, complex and formidably difficult process, most realistically pursued as a two-phase process, with minimization the immediate goal and elimination the ultimate one. *[Section 7]*

- Short term (to 2012) and medium term (to 2025) efforts should focus on achieving as soon as possible, and no later than 2025, a "minimization point" characterised by very low numbers of warheads (less than 10 per cent of present arsenals), agreed "no first use" doctrine, and force deployments and alert status reflecting that doctrine. *[Sections 17, 18]*

- Analysis and debate should commence now on the conditions necessary to move from the minimization point to elimination, even if a target date for getting to zero cannot at this stage be credibly specified. *[Section 19]*

**KEY POLICIES**

- ***Action Consensus***. The 2010 NPT Review Conference should agree on a 20-point statement, "A New International Consensus for Action on Nuclear Disarmament", updating and extending the "Thirteen Practical Steps" agreed in 2000. *[16.6-11; Box 16-1]*

- ***Numbers***. No later than 2025 U.S. and Russian arsenals should be reduced to a total of 500 nuclear warheads each, with at least no increases, and desirably significant reductions, in the arsenals – now totalling some 1,000 warheads – of the other nuclear-armed states. A global maximum of 2,000 warheads would represent a more than 90 per cent reduction in present arsenals. *[ 18.1-3]*

- All nuclear-armed states should now explicitly commit *not to increase* the number of their nuclear weapons. *[17.15-16]*

- ***Doctrine***. Pending the ultimate elimination of nuclear weapons, every nuclear-armed state should make as soon as possible, and no later than 2025, an unequivocal "no first use" (NFU) declaration. *[17.28]*

- If not prepared to go so far now, each such state – and in particular the U.S. in its Nuclear Posture Review – should at the very least accept the principle that the "sole purpose" of possessing nuclear weapons is to deter others from using such weapons against that state or its allies.

- Allied states affected by such declarations should be given firm assurances that they will not be exposed to other unacceptable risks, including from biological and chemical weapons. *[17.28-32]*

- New and unequivocal negative security assurances (NSAs) should be given by all nuclear-armed states, supported by binding Security Council resolution, that they will not use nuclear weapons against NPT-compliant non-nuclear weapon states. *[17.33-39]*

- ***Force Deployment and Alert Status.*** Changes should be made as soon as possible to ensure that, while remaining demonstrably survivable to a disarming first strike, nuclear forces are not instantly useable. Stability should be maximized by deployments and launch alert status being transparent. *[7.12-15; 17.40-50]*

- The decision-making fuse for the launch of any nuclear weapons must be lengthened, and weapons taken off launch-on-warning alert as soon as possible. *[17.43]*

- ***Parallel Security Issues.*** *Missile defence* should be revisited, with a view to allowing the further development of theatre ballistic missile defence systems, including potential joint operations in areas of mutual concern, but setting severe limits on strategic ballistic missile defences. *[2.30-34; 18.28-30]*

- *Conventional arms imbalances*, both quantitative and qualitative, between the nuclear-armed states, and in particular the relative scale of U.S. capability, need to be seriously addressed if this issue is not to become a significant impediment to future bilateral and multilateral nuclear disarmament negotiations. *[18.34-36]*

- Continuing strong efforts should be made to develop more effective ways of defending against potential *biological* attacks including building a workable verification regime, and to promote universal adherence to the Biological and Toxin Weapons Convention and the Chemical Weapons Convention. *[17.29; 18.32-33]*

- Ongoing attempts to prevent an arms race in *outer space* (PAROS) should be strongly supported. *[18.31]*

- ***Testing.*** All states that have not already done so should sign and ratify the Comprehensive Nuclear-Test-Ban Treaty (CTBT) unconditionally and without delay. U.S. ratification is a critically needed circuit-breaker: it would have an immediate impact on other hold-out states, and add major new momentum to both disarmament and non-proliferation efforts.

- Pending the CTBT's entry into force, all states should continue to refrain from nuclear testing. *[Section 11]*

- ***Availability of Fissile Material.*** All nuclear-armed states should declare or maintain a moratorium on the production of fissile material for weapon purposes pending the negotiation and entry into force as soon as possible of a Fissile Material Cut-off Treaty (FMCT).

- On the question of pre-existing stocks, a phased approach should be adopted, with the first priority a cap on production; then an effort to ensure that all fissile material other than in weapons becomes subject to irreversible, verified non-explosive use commitments; and with fissile material released through dismantlement being brought under these commitments as weapon reductions are agreed.

- As an interim step, all nuclear-armed states should voluntarily declare their fissile material stocks and the amount they regard as excess to their weapons needs, place such excess material under IAEA safeguards as soon as practicable, and convert it as soon as possible to forms that cannot be used for nuclear weapons. *[Section 12]*

## D. MEETING THE CHALLENGE OF NON-PROLIFERATION

### BASIC THEMES

- Nuclear non-proliferation efforts should focus both on the demand side – persuading states that nuclear weapons will not advance their national security or other interests – and the supply

side, through maintaining and strengthening a comprehensive array of measures designed to make it as difficult as possible for states to buy or build such weapons. *[Section 8]*

## KEY POLICIES

- ***NPT Safeguards and Verification.*** All states should accept the application of the IAEA Additional Protocol. To encourage universal take-up, acceptance of it should be a condition of all nuclear exports. *[9.7]*

- The Additional Protocol and its annexes should be updated and strengthened to make clear the IAEA's right to investigate possible weaponization activity, and by adding specific reference to dual-use items, reporting on export denials, shorter notice periods and the right to interview specific individuals. *[9.8-9]*

- ***NPT Compliance and Enforcement.*** In determining compliance, the IAEA should confine itself essentially to technical criteria, applying them with consistency and credibility, and leaving the political consequences for the Security Council to determine. *[9.15]*

- The UN Security Council should severely discourage withdrawal from the NPT by making it clear that this will be regarded as prima facie a threat to international peace and security, with all the punitive consequences that may follow from that under Chapter VII of the UN Charter. *[9.20]*

- A state withdrawing from the NPT should not be free to use for non-peaceful purposes nuclear materials, equipment and technology acquired while party to the NPT. Any such material provided before withdrawal should so far as possible be returned, with this being enforced by the Security Council. *[9.21-22]*

- ***Strengthening the IAEA.*** The IAEA should make full use of the authority already available to it, including special inspections, and states should be prepared to strengthen its authority as deficiencies are identified. *[9.24]*

- The IAEA should be given a one-off injection of funds to refurbish the Safeguards Analytical Laboratory; a significant increase in its regular budget support, without a "zero real growth" constraint; and sufficient security of future funding to enable effective medium to long term planning. *[9.25-27]*

- ***Non-NPT Treaties and Mechanisms.*** The Nuclear Suppliers Group (NSG) should develop a criteria-based approach to cooperation agreements with states outside the NPT, taking into account factors such as ratification of the CTBT, willingness to end unsafeguarded fissile material production, and states' record in securing nuclear facilities and materials and controlling nuclear-related exports. *[10.3-9]*

- The Proliferation Security Initiative (PSI) should be reconstituted within the UN system as a neutral organization to assess intelligence, coordinate and fund activities, and make both generic and specific recommendations or decisions concerning the interdiction of suspected materials being carried to or from countries of proliferation concern. *[10.10-12]*

- ***Extending Obligations to Non-NPT States.*** Recognising the reality that the three nuclear-armed states now outside the NPT – India, Pakistan and Israel – are not likely to become members any time soon, every effort should be made to achieve their participation in parallel

instruments and arrangements which apply equivalent non-proliferation and disarmament obligations. *[10.13-16]*

- Provided they satisfy strong objective criteria demonstrating commitment to disarmament and non-proliferation, and sign up to specific future commitments in this respect, these states should have access to nuclear materials and technology for civilian purposes on the same basis as an NPT member. *[10.17]*
- These states should participate in multilateral disarmament negotiations on the same basis as the nuclear-weapon state members of the NPT, and not be expected to accept different treatment because of their non-membership of that treaty. *[10.18]*
- ***Priorities for the 2010 NPT Review Conference.*** The primary focus should be on reaching agreement on:
  - a new 20-point statement, "A New International Consensus for Action on Nuclear Disarmament", updating and extending the "Thirteen Practical Steps" agreed in 2000;
  - measures to strengthen NPT safeguards and verification, compliance and enforcement, and the IAEA (as above);
  - forward movement on the Middle East Weapons of Mass Destruction Free Zone, with the UN Secretary-General convening an early conference of all relevant states to address creative and fresh ways to implement the 1995 resolution;
  - strengthened implementation of nuclear security measures (see Meeting Terrorism Challenge below); and
  - further support for peaceful uses of nuclear energy. *[Section 16]*

## E. MEETING THE CHALLENGE OF NUCLEAR TERRORISM

### BASIC THEMES

- Effectively countering terrorism of any kind involves a complex mix of nationally and internationally coordinated protection and policing strategies (most immediately important in dealing with the threat of nuclear terrorism), and also political, peacebuilding and psychological strategies (necessary to address the underlying causes of terrorist behaviour).
- At the 2010 Nuclear Security Summit, and in related policy deliberations, the main need is to focus on the effective implementation of existing agreed measures rather than the development of new ones. *[Section 13; Box 13-1]*

### KEY POLICIES

- All states should agree to take effective measures to strengthen the security of nuclear materials and facilities, including by adopting and implementing the 2005 amendment to the Convention on the Physical Protection of Nuclear Material, accelerating delivery of the Cooperative Threat Reduction and associated programs worldwide, and making a greater commitment to international capacity building and information sharing. *[13.5-16]*

- On the control of material useable for "dirty bombs", further efforts need to be made to cooperatively implement the Code of Conduct on the Safety and Security of Radioactive Sources, with assistance to states in updating legislation and licensing practice and promoting awareness among users. *[13.17-21]*

- Strong support should be given to the emerging science of nuclear forensics, designed to identify the sources of materials found in illicit trafficking or used in nuclear explosions. *[13.22-25]*

## F. MEETING THE CHALLENGE OF CIVIL NUCLEAR ENERGY

### BASIC THEMES

- The use of nuclear energy for peaceful purposes should continue to be strongly supported as one of the three fundamental pillars of the NPT, along with disarmament and non-proliferation. Increased resources should be provided, including through the IAEA's Technical Cooperation Programme, to assist developing states in taking full advantage of peaceful nuclear energy for human development.

- Proliferation resistance should be endorsed by governments and industry as an essential objective in the design and operation of nuclear facilities, and promoted through both institutional and technical measures – neither is sufficient without the other. *[Section 14]*

### KEY POLICIES

- ***Nuclear Energy Management***. Support should be given to the initiative launched at the 2008 Hokkaido Toyako G8 Summit for international cooperation on nuclear energy infrastructure, designed to raise awareness worldwide of the importance of the three Ss – safeguards, security and safety – and assist countries concerned in developing the relevant measures. *[14.4-6]*

- New technologies for spent fuel treatment should be developed to avoid current forms of reprocessing altogether. *[12.26]*

- The increasing use of plutonium recycle, and the prospective introduction of fast neutron reactors, must be pursued in ways which enhance non-proliferation objectives and avoid adding to proliferation and terrorism risks. *[14.9-15]*

- International measures such as spent fuel take-back arrangements by fuel suppliers, are desirable to avoid increasing spent fuel accumulations in a large number of states. *[14.13]*

- ***Multilateralizing the Nuclear Fuel Cycle*** – in particular through fuel banks and multilateral management of enrichment, reprocessing and spent fuel storage facilities – should be strongly supported. Such arrangements would play an invaluable role in building global confidence in the peaceful uses of nuclear energy, and provide an important foundation for a world free of nuclear weapons, for which a necessary requirement will be multilateral verification and control of all sensitive fuel cycle activities. *[Section 15]*

## G. MOBILIZING AND SUSTAINING POLITICAL WILL

### BASIC THEMES

- The will to do something difficult, sensitive or expensive will rarely be a given in international or domestic politics. It usually has to be painfully and laboriously constructed, case by case, context by context, with four main elements needing to come together:
  - *leadership*: without which inertia will always prevail – top down (from the major nuclear-armed states, particularly the U.S. and Russia), from peer groups (like-minded states worldwide) and bottom up (from civil society);
  - *knowledge*: both specialist and general, of the nature, magnitude and urgency of the nuclear problem: requiring better education and training in schools and universities, and stronger advocacy directed to policymakers, and those in the media and elsewhere who most influence them;
  - *strategy*: having a confident sense that there is a productive way forward: not just general objectives, but realistic action plans with detailed paths mapped and target benchmarks set; and
  - *process*: having the institutional and organisational means at hand – "campaign treaties", or other research and advocacy structures – to advance the relevant strategy in practice. *[Section 20]*

### KEY POLICIES

- ***Nuclear Weapons Convention.*** Work should commence now, supported by interested governments, on further refining and developing the concepts in the model convention now in circulation, making its provisions as workable and realistic as possible, with the objective of having a fully-worked through draft available to inform and guide multilateral disarmament negotiations as they gain momentum. *[20.38-44]*

- ***Report Card.*** To help sustain political will over time, a regular "report card" should be published in which a distinguished international panel, with appropriately professional and broad based research support, would evaluate the performance of both nuclear-armed and non-nuclear-armed states against the action agendas identified in this report. *[20.49-50]*

- ***Monitoring and Advocacy Centre.*** Consideration should be given to the establishment of a "Global Centre on Nuclear Non-proliferation and Disarmament" to act as a focal point and clearing house for the work being done on nuclear non-proliferation and disarmament issues by many different institutions and organizations in many different countries, to provide research and advocacy support both for like-minded governments and for civil society organisations, and to prepare the "report card" described above. *[20.51-54]*

## THE SHORT TERM ACTION AGENDA TO 2012: ACHIEVING INITIAL BENCHMARKS

### *On Disarmament*

- Early agreement on a Strategic Arms Reduction Treaty (START) follow-on treaty, with the U.S. and Russia agreeing to deep reductions in deployed strategic weapons, addressing the issue

of strategic missile defence and commencing negotiations on further deep cuts in all classes of weapons.

- Early movement on nuclear doctrine, with all nuclear-armed states declaring at least that the sole purpose of retaining the nuclear weapons they have is to deter others from using such weapons against them or their allies (while giving firm assurances to such allies that they will not be exposed to unacceptable risk from other sources, including in particular chemical and biological weapons).

- All nuclear-armed states to give strong negative security assurances to complying non-nuclear weapon states parties to the NPT, supported by binding Security Council resolution, that they will not use nuclear weapons against them.

- Early action on nuclear force postures, with particular attention to the negotiated removal to the extent possible of weapons from "launch-on-warning" status.

- Early commitment by all nuclear-armed states to not increasing their nuclear arsenals.

- Prepare the ground for a multilateral disarmament process by all nuclear-armed states conducting relevant studies; engaging in strategic dialogues with the U.S., Russia and each other; and commencing a joint dialogue within the framework of the Conference on Disarmament work program.

***On Non-Proliferation***

- A positive outcome for the May 2010 NPT Review Conference, with member states reaching agreement on measures to strengthen the NPT regime, including improved safeguards, verification, compliance and enforcement; measures to strengthen the effectiveness of the IAEA; "A New International Consensus for Action on Nuclear Disarmament" statement on disarmament issues; and measures to advance the implementation of the Middle East and other existing and proposed Nuclear Weapon Free Zones.

- Satisfactory negotiated resolution of the North Korea and Iran nuclear program problems.

- Movement toward strengthening non-proliferation regimes outside the NPT, and applying equivalent disciplines to NPT non-members.

***On Both Disarmament and Non-Proliferation***

- Bring into force the Comprehensive Nuclear-Test-Ban Treaty.

- Conclude negotiations on an Fissile Material Cut-off Treaty.

***On Nuclear Security***

- Bring into force the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material, accelerate implementation of the cooperative threat reduction and associated programs designed to secure dangerous nuclear weapons, materials and technology worldwide, and achieve greater commitment to international capacity building and information sharing.

***On Peaceful Uses of Nuclear Energy***

- Movement toward greater multilateralization of the nuclear fuel cycle, and government-industry cooperation on proliferation-resistant technologies and other measures designed to reduce any risks associated with the expansion of civil nuclear energy.
- Promotion of international cooperation on nuclear energy infrastructure to raise awareness worldwide of the importance of the three Ss – safeguards, security and safety – and assist countries concerned in developing relevant measures.

*[Section 17]*

## THE MEDIUM TERM ACTION AGENDA TO 2025: GETTING TO THE MINIMIZATION POINT

- Progressive achievement of interim disarmament objectives, culminating by 2025 in a "minimization point" characterized by:
  - low numbers: a world with no more than 2,000 nuclear warheads (less than 10 per cent of today's arsenals);
  - agreed doctrine: every nuclear-armed state committed to no first use;
  - credible force postures: verifiable deployments and alert status reflecting that doctrine.
- Progressive resolution of parallel security issues likely to impact on nuclear disarmament negotiations:
  - missile delivery systems and strategic missile defence;
  - space based weapons systems;
  - biological weapons;
  - conventional arms imbalances.
- Development and building of support for a comprehensive Nuclear Weapons Convention to legally underpin the ultimate transition to a nuclear weapon free world.
- Complete implementation (to extent already not achieved by 2012) of short-term objectives crucial for both disarmament and non-proliferation:
  - Comprehensive Nuclear-Test-Ban Treaty in force;
  - Fissile Material Cut-off Treaty negotiated and in force, and a further agreement negotiated to put all fissile material not in weapons under international safeguards;
  - Measures to strengthen the NPT regime and the IAEA agreed and in force;
  - Nuclear security measures in force, and cooperative threat reduction and associated programs fully implemented;
  - Progressive implementation of measures to reduce the proliferation risks associated with the expansion of civil nuclear energy.

*[Section 18]*

## THE LONGER TERM ACTION AGENDA BEYOND 2025: GETTING TO ZERO

- Create poiitical conditions, regionally and globally, sufficiently cooperative and stable for the prospect of major war or aggression to be so remote that nuclear weapons are seen as having no remaining deterrent utility.
- Create the military conditions in which conventional arms imbalances, missile defence systems or any other national or intergovernmental-organisation capability is not seen as so inherently destabilizing as to justify the retention of a nuclear deterrent capability.
- Create verification conditions that will ensure confidence that any violation of the prohibition of nuclear weapons would be readily detected.
- Create the international legal regime and enforcement conditions that will ensure that any state breaching its prohibition obligations not to retain, acquire or develop nuclear weapons will be effectively penalized.
- Create fuel cycle management conditions that will ensure complete confidence that no state has the capacity to misuse uranium enrichment or plutonium reprocessing for weapons development purposes.
- Create personnel oversight conditions to ensure confidence that individuals' know-how in the design and building of nuclear weapons will not be misapplied in violation of prohibition obligations.

*[Section 19]*

**Enclosure**

# THE INTERNATIONAL COMMISSION ON NUCLEAR NON-PROLIFERATION AND DISARMAMENT

**Origins and Mandate.** The International Commission on Nuclear Non-proliferation and Disarmament was initially proposed by Australian Prime Minister Kevin Rudd following his visit in June 2008 to the Hiroshima peace memorial, and agreed in July 2008 by Prime Minister Rudd and then Japanese Prime Minister Yasuo Fukuda. The Commission was launched in New York in September 2008 by Prime Minister Rudd and then Prime Minister Taro Aso as a joint initiative of the Australian and Japanese Governments. The activities of the Commission have been embraced and supported by the present Japanese Prime Minister Yukio Hatoyama.

The Commission's stated aim was to reinvigorate, at a high political level, global debate on nuclear non-proliferation and disarmament, in the context both of the forthcoming 2010 NPT Review Conference, and beyond. It was designed to build upon, and take further in a sharply practical and action-oriented way, the work of distinguished earlier commissions and panels, notably the 1996 Canberra Commission, the 1999 Tokyo Forum, the 2004 UN High-level Panel, the 2006 Blix Commission, and the 2008 Zedillo Commission on the future of the IAEA.

Although initiated by two governments, and primarily funded by the government of Australia, the Commission is a completely independent body, with its members appointed in their personal capacity rather than as representatives of their respective countries.

**Commissioners and Advisory Board.** The Australian and Japanese prime ministers jointly invited to head the Commission as its Co-chairs former Foreign Ministers Gareth Evans and Yoriko Kawaguchi. They were joined as Commissioners by thirteen eminent and outstanding individuals from around the world, including former heads of state and ministers, military strategists and disarmament experts, all uniquely placed to bring fresh and imaginative vision to the undertaking: Turki Al Faisal (Saudi Arabia), Alexei Arbatov (Russian Federation), Gro Harlem Brundtland (Norway), Frene Noshir Ginwala (South Africa), François Heisbourg (France), Jehangir Karamat (Pakistan), Brajesh Mishra (India), Klaus Naumann (Germany), William Perry (United States), Wang Yingfan (China), Shirley Williams (United Kingdom), Wiryono Sastrohandoyo (Indonesia, replacing the late Ali Alatas) and Ernesto Zedillo (Mexico).

The Commission has been greatly assisted in its work by an Advisory Board of 27 distinguished experts from around the globe whose members were consulted individually and, in many cases, participated in one or more Commission meetings: Nobuyasu Abe (Japan), Shlomo Ben-Ami (Israel), Hans Blix (Sweden), Lakhdar Brahimi (Algeria), John Carlson (Australia), Nabil Fahmy (Egypt), Louise Fréchette (Canada), Lawrence Freedman (United Kingdom), Roberto García Moritán (Argentina), Han Sung-Joo (Republic of Korea), Prasad Kariyawasam (Sri Lanka), Henry Kissinger (United States), Shunsuke Kondo (Japan), Anne Lauvergeon (France), Martine Letts (Australia), Patricia Lewis (Ireland), Andrea Margelletti (Italy), Sam Nunn (United States), Robert O'Neill (Australia), George Perkovich (United States), V.R. Raghavan (India), George Robertson (United Kingdom), Michel Rocard (France), Adam Daniel Rotfeld (Poland), Yukio Satoh (Japan), George Shultz (United States), and Hans van den Broek (Netherlands).

**Research Support and Administration.** The Commission appointed nine Associated Research Centres to lead the effort in their respective countries or regions: the Carnegie Endowment for International Peace (Washington DC and Moscow), Centre for International Governance and Innovation (Waterloo, Canada), Delhi Policy Group (New Delhi), Facultad Latinoamericana de Ciencias Sociales (San Jose, Costa Rica), Fondation pour la Recherche Stratégique (Paris), Japan Institute of International Affairs (Tokyo), King's

College (London), Lowy Institute for International Policy (Sydney) and Tsinghua University (Beijing). From these Research Centres and other consultants worldwide over 50 pieces of new research were commissioned, most available on www.icnnd.org. Research Coordinator for the Commission was former Australian ambassador Ken Berry.

The work of the Commission was supported by a small Secretariat operating from the Australian Department of Foreign Affairs and Trade in Canberra, headed by Commission Secretary Ian Biggs and a parallel unit in the Japanese Ministry of Foreign Affairs in Tokyo, headed by Toshio Sano.

**Consultations.** Four major Regional Meetings were held, attended by a total of 89 regional participants – from government, universities and research institutes, and where appropriate the nuclear energy sector – from 25 countries: in Latin America (Santiago, 2-3 May 2009), North East Asia (Beijing, 22-23 May 2009), the Middle East (Cairo, 29-30 September 2009) and South Asia (New Delhi, 3-4 October 2009). A day-long round-table with representatives of the world's nuclear power industry from six continents was held in association with the Commission's meeting in Moscow on 22 June 2009. Regular dialogue with civil society was sustained through the Commission's two NGO Advisers, Akira Kawasaki of Peace Boat and Tilman Ruff of the International Campaign to Abolish Nuclear Weapons, and meetings in Washington DC and Hiroshima, including with atomic bomb victims (*hibakusha*). The Co-chairs and other Commissioners also had many individual consultations and briefings in key capitals, and with, inter alia, the UN in New York and Geneva, and the IAEA and Comprehensive Nuclear-Test-Ban Treaty Organization in Vienna.

**Commission Meetings and Report.** The Commission's first meeting in Sydney (19-21 October 2008) considered its mandate, work plan, and general approach, focusing on the value that it could add to previous and current work by others. Its second and third meetings in Washington DC (13-15 February 2009), and Moscow (19-21 June 2009) agreed on a detailed structure for its report and systematically discussed all relevant policy issues. Drafts of different sections of the report were then commissioned from a range of experts, including from among the Commissioners, Advisory Board and Secretariat members. A draft prepared by the Co-chairs themselves on the basis of those inputs was reviewed in detail, and a final text unanimously agreed, by the fourth Commission meeting in Hiroshima on 17-20 October 2009. The Commission will continue in existence until at least mid-2010, to enable follow-up advocacy on its report, and a review, after the 2010 NPT Review Conference, of the state of play and appropriate next steps.

*A fuller account of how the Commission worked, and those who assisted it, may be found in Annex C of the full report, and at www.icnnd.org*

## Members of the Commission

**Gareth Evans (Australia) (Co-chair)**

Professor Evans was Australia's Resources and Energy Minister (1984-87) and Foreign Minister (1988-96). He initiated the Canberra Commission (1996) and was a member of the UN High-level Panel (2004), Blix Commission (2006) and Zedillo Commission on the IAEA (2008). He was President (2000-09) and is now President Emeritus of the International Crisis Group, and is currently the Chancellor of the Australian National University and an Honorary Professorial Fellow at the University of Melbourne.

**Yoriko Kawaguchi (Japan) (Co-chair)**

Ms Kawaguchi has been a Member of the House of Councillors for the Liberal Democratic Party since 2005. She was Special Adviser to the Prime Minister, responsible for foreign affairs (2004-05), Minister for Foreign Affairs (2002-04) and Minister for the Environment (2000-02). Previously she was a Managing

Director of Suntory Ltd, a senior official at the Ministry of International Trade and Industry, Minister at the Embassy of Japan to the United States, and an economist at the World Bank.

**Turki Al Faisal (Saudi Arabia)**

HRH Prince Turki was Director General of Intelligence from 1977 to 2001, and Ambassador to the United Kingdom and Ireland from 2002 to 2005, and to the United States from 2005 to 2007. He is currently Chairman of the Board of the King Faisal Center for Research and Islamic studies in Riyadh.

**Alexei Arbatov (Russian Federation)**

Dr Arbatov was a member of the Russian Duma and Deputy Chairman of the Duma Defence Committee from 1994 to 2003. He is currently a Scholar-in-Residence and Chair of the Non-proliferation Program at the Carnegie Moscow Center.

**Gro Harlem Brundtland (Norway)**

Dr Brundtland was Prime Minister of Norway for ten years between 1981 and 1996. She chaired the World Commission on Environment and Development (1987) and was Director General of the World Health Organization from 1998 to 2003. She is currently the UN Secretary-General's Special Envoy on Climate Change.

**Frene Noshir Ginwala (South Africa)**

Dr Ginwala was Speaker of South Africa's National Assembly from 1994 to 2004. She was Chancellor of the University of KwaZulu-Natal from 2004 until June 2009.

**François Heisbourg (France)**

Mr Heisbourg is Chairman of the International Institute for Strategic Studies and the Geneva Centre for Security Policy, and Special Adviser at the Fondation pour la Recherche Stratégique, and was a member of the French Presidential Commission that produced the 2008 Defence and National Security White Paper.

**Jehangir Karamat (Pakistan)**

General Karamat was Chairman of the Joint Chiefs of Staff and Chief of Army Staff between 1996 and 1998 and Pakistan's Ambassador to the United States from 2004 to 2006. He is currently Director of the Spearhead Research Institute.

**Brajesh Mishra (India)**

Mr Mishra was India's Ambassador in Geneva, Jakarta and then New York from 1973 to 1981, and National Security Adviser and Principal Secretary to former Indian Prime Minister A.B. Vajpayee from 1998 to 2004.

**Klaus Naumann (Germany)**

General Naumann was Chairman of the NATO Military Committee from 1996 to 1999 and Chief of the Defence Staff in Germany from 1991 to 1996. He was a Member of the Panel on UN Peace Operations (2000) and the International Commission on Intervention and State Sovereignty (2001).

**William Perry (United States)**

Dr Perry was the U.S. Secretary of Defense from 1994 to 1997. He is currently a Professor at Stanford University in the School of Engineering and the Institute for International Studies.

**Wang Yingfan (China)**

Ambassador Wang was China's Permanent Representative to the United Nations from 2000 to 2003, and Vice-Chairman of the Foreign Affairs Committee of the Chinese National People's Congress from 2003 to 2008.

**Shirley Williams (United Kingdom)**

Baroness Williams was Leader of the Liberal Democrat Party in the House of Lords from 2001 to 2004. She is currently Professor Emeritus of the Kennedy School of Government at Harvard University and an adviser to Prime Minister Gordon Brown on nuclear proliferation issues.

**Wiryono Sastrohandoyo (Indonesia)**

Ambassador Wiryono was Director General of Political Affairs in Indonesia's Department of Foreign Affairs from 1990-1993. He has served as Indonesia's Ambassador to Australia, France and Austria, as Permanent Representative to the UN in Vienna and on the Board of Governors for the IAEA.

**Ernesto Zedillo (Mexico)**

Dr Zedillo was President of Mexico from 1994 to 2000. He is currently Director of the Yale Center for the Study of Globalization, and Professor at Yale University in international economics.

# 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

12 April 2010

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## Activities relating to the Treaty on the South-East Asia Nuclear-Weapon-Free Zone

### Memorandum submitted by Viet Nam

### A. Background

1. The Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok) was signed by 10 States of South-East Asia on 15 December 1995, namely, Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam. The Treaty, which entered into force on 27 March 1997, is of a permanent nature and shall remain in force indefinitely. The Treaty was registered with the United Nations on 26 June 1997.

2. The key goals of the Treaty of Bangkok are to uphold peace and stability while ensuring nuclear non-proliferation in the South-East Asian region, and to commit the full support of the States parties to the Treaty to the three main pillars of the Treaty on the Non-Proliferation of Nuclear Weapons, namely nuclear non-proliferation, nuclear disarmament and the peaceful use of nuclear energy.

3. The Treaty is in line with the objectives enunciated on nuclear-weapon-free zones contained in the decisions on principles and objectives for nuclear non-proliferation and disarmament taken by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

4. Since the submission of the first memorandum on activities relating to the Treaty of Bangkok at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, important progress has been made and various new developments have taken place in the implementation of the goals and objectives set forth in the Treaty of Bangkok.

### B. Implementation of the provisions of the Treaty of Bangkok

5. Since 1999, the States parties have put in place the organs that oversee the implementation of the Treaty and ensure compliance with its provisions, namely the



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Commission for the South-East Asia Nuclear-Weapon-Free Zone, comprising the Ministers for Foreign Affairs of all States parties, and the Executive Committee of the Commission, an organ subsidiary to the Commission, comprising senior officials of all States parties. With the entry into force of the Charter of the Association of Southeast Asian Nations (ASEAN) on 15 December 2008, the organs of the Treaty have been further strengthened by having been incorporated as bodies under the ASEAN Political-Security Community (APSC) Council under the Charter.

6. The implementation of the Treaty and its Plan of Action is one of the priority areas in the ASEAN Political-Security Community Blueprint, which is part of the road map for the ASEAN Community (2009-2015), adopted at the fourteenth ASEAN summit, held in Cha-am Hua Hin, Thailand, in 2009.

7. In order to ensure that the States parties are able to fully realize their undertakings as enshrined in the Treaty, the Commission for the South-East Asia Nuclear-Weapon-Free Zone, at its Meeting held on 29 July 2007 in Manila, reviewed the implementation of the Treaty from 1997 to 2007 and adopted the Plan of Action to strengthen the implementation of the Treaty from 2007 to 2012. The Ministers for Foreign Affairs of the States parties to the Treaty also issued a joint statement of the Commission for the South-East Asia Nuclear-Weapon-Free Zone on 30 July 2007. The Plan of Action identified the measures and actions that States parties should endeavour to pursue in that five-year period. The progress made in the implementation of the Plan of Action is reviewed annually by the Executive Committee for the South-East Asia Nuclear-Weapon-Free Zone and reported to the Commission.

8. Progress has also been made by several States parties in acceding to the relevant multilateral conventions and agreements related to promoting and reinforcing the nuclear non-proliferation and disarmament regime. These include the ratification by Indonesia of the Convention on Nuclear Safety in 2002, the ratification by Viet Nam of the Comprehensive Nuclear-Test-Ban Treaty in 2006, the accession by Cambodia to the Convention on the Physical Protection of Nuclear Material in 2006, the ratification by the Philippines of the International Atomic Energy Agency (IAEA) Additional Protocol in 2010 and the accession by Viet Nam to the Convention on Nuclear Safety in 2010.

9. As of 2009, 7 of 10 Treaty parties, namely, Indonesia, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam, had acceded to the Convention on Early Notification of a Nuclear Accident, as provided for in article 6 of the Treaty.

10. Another important highlight was the effort made by the States parties to increase the profile of the Treaty of Bangkok in multilateral forums and international organizations. In that connection, the ASEAN-sponsored resolutions on the Treaty were adopted by the General Assembly at its sixty-second and sixty-fourth sessions, in December 2007 and October 2009, respectively. The resolutions encourage the nuclear-weapon States and the States parties to the Treaty to, inter alia, work constructively with a view to seeking the accession of the nuclear-weapon States to the Protocol of the Treaty.

## C. Cooperation with the International Atomic Energy Agency and other partners

11. With a view to strengthening the capacity of the States parties in implementing the Treaty of Bangkok and its Plan of Action, the States parties have established cooperation with IAEA and other partners, which include other nuclear-weapon-free zones and several dialogue partners of ASEAN. The areas of cooperation focus on capacity-building, the development of a legal framework to meet international standards on nuclear safety, the establishment of regional networks for early notification, and the development of a regional emergency preparedness and response plan.

12. The States parties to the Treaty of Bangkok and IAEA have undertaken a number of dialogues and cooperative activities, which included consultations between the Working Group of the Executive Committee of the Commission for the South-East Asia Nuclear-Weapon-Free Zone and IAEA on 14 March 2000 in Hua Hin, Thailand, and an ASEAN-IAEA workshop on the implementation of the Treaty, was held in Bangkok from 23 to 25 August 2000.

13. IAEA also participated in the first Meeting of the ASEAN Nuclear Energy Safety Sub-Sector Network, held in Singapore on 22 and 23 January 2008. The Meeting agreed that the Network would liaise with IAEA on safety issues pertaining to all aspects of the civilian use of nuclear power and that IAEA would also be invited as an observer at future meetings.

14. Cooperation with other partners, especially in the field of nuclear energy safety, has also seen encouraging progress, especially within the framework of ASEAN Plus Three (ASEAN plus China, Japan and the Republic of Korea) cooperation. An ASEAN Plus Three Forum on Nuclear Energy Safety was held in Bangkok on 16 and 17 June 2008 to tap the region's expertise on nuclear energy safety and as the first step in promoting dialogue on the safe use of civilian nuclear energy in the region. The second ASEAN Plus Three Forum on Nuclear Energy was held from 29 June to 1 July 2009 in Shenzhen, China.

15. In support of the nuclear-weapon-free zones, including within the context of the Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, Thailand, as Chair of the Commission for the South-East Asia Nuclear-Weapon-Free Zone, participated in a meeting of focal points of nuclear-weapon-free zones and Mongolia, with participants from the nuclear-weapon-free zones of Latin America and the Caribbean (Treaty of Tlatelolco), the South Pacific (Treaty of Rarotonga), Central Asia (Semipalatinsk Treaty) as well as Mongolia, held in Ulaanbaatar on 27 and 28 April 2009. The Meeting discussed, among other things, the implementation of the Tlatelolco Declaration of 2005, as well as preparations for the follow-up Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia and for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

## D. Consultations with the nuclear-weapon States on the Protocol to the Treaty

16. Since the signing of the Treaty of Bangkok in 1995, the States parties have pursued the goal of constructively engaging in consultations with the five nuclear-weapon States with a view to encouraging the latter to sign the Protocol to the Treaty as early as possible. The Protocol was drafted and attached to the Treaty in the hope that all five nuclear-weapon States could sign it to show their support for and recognition of the South-East Asia Nuclear-Weapon-Free Zone. Encouraged by the renewed impetus for a world free from nuclear weapons and the upcoming Review Conference in 2010, the States parties to the Treaty of Bangkok have undertaken internal consultations to support new development on nuclear non-proliferation and disarmament, and to work towards a possible resumption of direct consultations with the nuclear-weapon States to resolve the remaining outstanding issues on the Protocol, in accordance with the objectives and principles of the Treaty.

## E. Other developments

17. The inaugural Meeting of the ASEAN Political-Security Community Council, convened on 10 April 2009 in Pattaya, Thailand, discussed ways to move forward on the South-East Asia Nuclear-Weapon-Free Zone. The Meeting exchanged views on how to achieve further progress on the implementation of the Treaty of Bangkok and its Plan of Action and to continue to encourage the nuclear-weapon States to accede to the Treaty's Protocol.

18. The Meeting of the APSC Council further agreed to raise the profile of the South-East Asia Nuclear-Weapon-Free Zone in multilateral forums and international organizations such as the United Nations and IAEA. The Meeting welcomed recent statements calling for a world free of nuclear weapons. Recognizing that nuclear-weapon-free zones represent part of the bargain between nuclear-weapon States and non-nuclear-weapon States that involve nuclear disarmament, the non-proliferation of nuclear weapons and the peaceful use of nuclear energy, the Meeting agreed that ASEAN member States should enhance their coordination on such issues in multilateral forums and explore common positions that can be used in preparation for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

19. The Commission for the South-East Asia Nuclear-Weapon-Free Zone, at its latest meeting, in July 2009, welcomed the "wind of change" in the approach of some nuclear-weapon States, which has lent impetus to the continuing efforts to establish a world free of nuclear weapons. In recognition of these important developments, the Commission agreed to play a constructive role in support of the 2010 Review Conference and the follow-up Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia.

## F. Assessment

20. The Treaty of Bangkok has significantly contributed to the maintenance of peace, stability and security in South-East Asia. All the States parties to the Treaty

are fully committed to a region free of nuclear weapons. That has been reaffirmed by the commitment of ASEAN at the highest political level, as reflected in the ASEAN Charter, that Member States will preserve South-East Asia as a nuclear-weapon-free zone and free of all other weapons of mass destruction. This, in turn, has contributed to strengthening the global disarmament and non-proliferation regimes.

21. Over the past years, the States parties have exerted continuing efforts and achieved encouraging progress in strengthening the implementation of the Treaty through the development and implementation of a comprehensive Plan of Action, the enhancement of institutional arrangements, the promotion of the importance of the goals and objectives of the Treaty, the improvement of coordination among the States parties on the nuclear non-proliferation agenda in international forums, and intensified engagement and cooperation with IAEA and other partners.

22. The executive organs at all levels of the Treaty of Bangkok as well as the relevant ASEAN sectoral bodies have made a strong political commitment to continue to explore various ways and means of achieving further progress in the implementation of the Treaty and its Plan of Action in the years to come. These include prioritizing the South-East Asia Nuclear-Weapon-Free Zone along with other priority areas in the context of ASEAN community-building efforts, carrying out concrete activities, intensifying internal coordination and pursuing consultations with various partners in a constructive manner and with a greater sense of urgency.